

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

SHARON BOVAIN and DARRELL BOVAIN,

Plaintiffs,

Case No.
Hon.

-vs-

NORDEN MACHINERY,
an entity of unknown origin,

Defendant.

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COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COME the Plaintiffs, SHARON and DARRELL BOVAIN, by and through their attorneys, Mancini Schreuder Kline P.C., and for their Complaint against Defendant NORDEN, state as follows:

GENERAL ALLEGATIONS

1. Plaintiffs are residents of Clinton Township, County of Macomb, State of Michigan.

2. Defendant NORDEN MACHINERY is an entity of unknown origin doing business in Michigan, Iowa, New Jersey, and/or to be determined

3. The amount in controversy herein exceeds the sum of Seventy-Five Thousand (\$75,000.00) Dollars, and jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1332.

4. At all times relevant, Plaintiff SHARON BOVAIN, was working at Elba Laboratories, doing business in the City of Troy, County of Oakland, State of Michigan.

5. On or about December 20, 2022, Plaintiff SHARON BOVAIN, was working in Fill Room A of Elba Laboratories on the Norden Filling Machine Line when she reached for a plastic pail containing tubes discharged from the Norden Tube Filling Machine, model number NM702-HA, serial number 55562, when without warning, suddenly and unexpectedly Plaintiff SHARON BOVAIN was electrically shocked causing her to sustain serious injuries as herein set forth.

6. Defendant, through its officers, agents, servants and employees were under duties at all times herein relevant to exercise due care and caution in the maintenance, repair, and advice regarding the Norden Tube Filling Machine, model number NM702-HA, serial number 55562, so as not to injure or cause injury to people engaged in work associated with the operation of said Norden Tube Filling Machine, particularly Plaintiff, and to observe all duties imposed by law.

7. Notwithstanding said duties, Defendant violated and breached its duties, including but not limited to the following careless and negligent acts:

- a. failure to use the requisite degree of care in maintaining, repairing, and providing information as to the dangers caused by the Norden Tube Filling Machine so as to prevent the event described above;
- b. failure to prevent the buildup of electricity resulting from the operation of the Norden Tube Filling Machine;
- c. failure to identify the potential for buildup of electricity resulting from the operation of the Norden Tube Filling Machine;
- d. failure to provide a remedy which would have prevented movement of static and/or other machine based electricity buildup from the machine to operators working on or near the equipment;
- e. failure to provide a method of mitigating electricity which was recognized and described by both private and government sources at the time of manufacture/delivery of the Norden Tube Filling Machine;
- f. failure to warn of electricity buildup resulting from the operation of the Norden Tube Filling Machine; and/or
- g. otherwise breaching duties owed.

8. As a direct and proximate result of the aforesaid negligence and breach of duties, Plaintiff sustained serious bodily injuries including but not limited to:

- a. serious injuries to her head, neck, shoulder, abdomen, legs, feet, central nervous system, and related and resultant injuries;
- b. physical pain and suffering;

- c. disability and disfigurement;
- d. mental anguish;
- e. denial of social pleasures and enjoyment of the usual activities of life;
- f. fight and shock;
- g. embarrassment, humiliation, and mortification;
- h. loss of earnings and earnings capacity; and/or
- j. other damages allowed by law.

9. Plaintiff, DARRELL BOVAIN, is the husband of Plaintiff, SHARON BOVAIN, and as a direct and proximate result of the Defendant's aforesaid negligence, suffered the loss of those marital rights known collectively as consortium.

WHEREFORE, Plaintiffs request an award of damages in whatever amount in excess of Seventy-five Thousand (\$75,000.00) Dollars to which they may be found entitled, together with interest, costs and attorney fees.

PLAINTIFFS HEREBY DEMAND A TRIAL BY JURY.

MANCINI SCHREUDER KLINE P.C.

by: /s/Ellen G. Schreuder

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dated: July 30, 2024